

PATENT



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IBM/02B
Confirmation No. 9272

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ME
5-14-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph Phillip Bigus et al. Art Unit: 2161
Serial No.: 09/431,833 Examiner: Firmin Backer
Filed: November 2, 1999 Atty. Docket No.: IBM/02B
For: INTELLIGENT AGENT WITH NEGOTIATION CAPABILITY AND METHOD
OF NEGOTIATION THEREWITH

RESPONSE

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MAY 10 2002

Technology Center 2100

Box NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This paper is being filed in response to the Office Action dated April 18, 2002, within the three month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, all pending claims (claims 54-63 and 104-112) were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,147,977 to Thro et al.

Applicants respectfully traverse the Examiner's rejection, however, based upon the fact that Thro et al. is not properly citable against the instant application. In particular, Thro et al. has an effective filing date of December 12, 1997. The instant application, however, is a divisional of U.S. Serial No. 08/821,935, which was filed on March 21, 1997. Therefore, Thro et al. is not an "application for patent by another filed in the United States before the invention thereof by the applicant for patent," as is required by 35 U.S.C. § 102(e). Accordingly, withdrawal of the rejection, and allowance of all pending claims, are respectfully requested.

As a final matter, Applicants wish to note that a Supplemental Information Disclosure Statement was timely filed prior to the mailing date of the aforementioned Office Action, on April 16, 2002. Applicants did not receive the initialed 1449 Form for this Supplemental

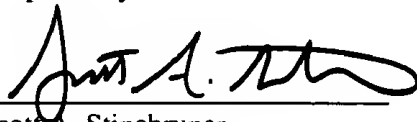
Information Disclosure Statement. Accordingly, Applicants respectfully request the Examiner return an initialed copy of the 1449 Form with the Examiner's next communication.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are respectfully requested.

If there are any questions regarding this paper, or which might otherwise further this case onto allowance, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

29 APRIL 2002
Date

Respectfully submitted,



Scott A. Stinebruner
Reg. No. 38,323
WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513)241-2324



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PATENT
Att'y Docket No. IBM/02B/124
Confirmation No. 9272

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid in an envelope addressed to:
Box NON-FEE AMENDMENT, Assistant Commissioner for Patents, Washington,
D.C. 20231 on: April 29, 2002.

Scott A. Stinebruner 29 APR 2002
Reg. No. 38,323 DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph Phillip Bigus et al. Art Unit: 2161
Serial No.: 09/431,833 Examiner: Firmin Backer
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For : INTELLIGENT AGENT WITH NEGOTIATION CAPABILITY AND METHOD
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Washington, DC 20231

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AMENDMENT TRANSMITTAL

Technology Center 2100

1. ☒ Transmitted herewith is a Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
☐ Enclosed is a verified statement to establish Small Entity status
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

CALCULATION OF FEES

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	19	minus	20	0	\$18	\$0.00
Independent Claims	3	minus	3	0	\$84	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$280	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

4. ☐ Attached is a check in the sum of \$_____ for additional claims.
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.

5. **The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.**

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 400.00	\$ 200.00
<input type="checkbox"/>	three months	\$ 920.00	\$ 460.00
<input type="checkbox"/>	four months	\$1,440.00	\$ 720.00
<input type="checkbox"/>	five months	\$1,960.00	\$ 980.00

Extension fee due with this request:

\$_____

Method of Payment:

Check enclosed in the amount of \$_____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid thereof of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.

OR

- ☒ (b) **Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.**

6. ☒ **If any additional fee for claims or extension of time is required, charge Account No. 23-3000.**

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:



Scott A. Stinebruner
Reg. No. 38,323

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202-2917
(513) 241-2324

Enclosed:

Amendment Transmittal (in duplicate) containing Certificate of Mailing under 37 C.F.R. 1.8
Response
Reply Postcard